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Attorneys for Defendant TRUMP INTERNATIONAL HOTEL & TOWER,  
7 d/b/a TRUMP INTERNATIONAL HOTEL, LAS VEGAS

8  
9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**  
11

12 HOMER HENKE,

13 Plaintiff,

14 v.

15 TRUMP INTERNATIONAL HOTEL &  
16 TOWER, d/b/a TRUMP INTERNATIONAL  
HOTEL, LAS VEGAS, NEVADA,

17 Defendant.  
18

CASE NO.:

**NOTICE OF REMOVAL OF ACTION  
(DIVERSITY)**

19 COMES NOW Defendant, TRUMP RUFFIN TOWER I LLC ("Trump"),  
20 erroneously sued herein as TRUMP INTERNATIONAL HOTEL & TOWER, by and through  
21 its attorneys of record, Josh Cole Aicklen, Esq. and David B. Avakian, Esq. of LEWIS  
22 BRISBOIS BISGAARD & SMITH LLP, and hereby removes to this Court the state court  
23 action described below, and in support states as follows:

24 1. On November 5, 2010, an action was commenced in the Eighth Judicial  
25 District Court, Clark County, Nevada, entitled *Homer Henke v. Trump International Hotel &*  
26 *Tower*, Case No. A628865. (A copy of the Complaint in this state court action is attached  
27 hereto as **Exhibit "A"**.)

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1           2. The Summons and Complaint were served on TRUMP by personal service  
2 at Defendant's business address on January 14, 2011.

3           3. This notice is filed timely pursuant to 28 U.S.C. section 1446(b). Thirty days  
4 have not elapsed since the case became removable.

5           4. This action is a civil action of which this Court has original jurisdiction under  
6 28 U.S.C. section 1332, as there is complete diversity between the parties and I am  
7 informed and believe that more than \$75,000 is in controversy, exclusive of interest and  
8 costs. Accordingly, pursuant to 28 U.S.C. section 1441, TRUMP is entitled to remove this  
9 action to this Court.

10           5. This case arises out of a negligence claim, and I am informed and believe  
11 that Plaintiff seeks to recover in excess of \$75,000, exclusive of interest and costs.

12           6. Plaintiff is, and during all relevant times was, a resident of the State of  
13 Illinois. Defendant TRUMP is, and was at the time this action was commenced, a  
14 corporation organized and existing under the laws of the State of Delaware, with its  
15 principal place of business in the state of Delaware. Accordingly, there is now, and there  
16 was at the time of the commencement of this action, complete diversity between Plaintiff  
17 and Defendant.

18           7. The action in the state court was not commenced more than one year before  
19 the date of this removal.

20           8. A true and correct copy of this Notice of Removal will be filed with the Clerk  
21 for the Eighth Judicial District Court, Clark County, Nevada.

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1 Based on the foregoing, TRUMP removes this action, which is currently pending  
2 in the Eighth Judicial District Court, Clark County, Nevada as Case No. A628685 to this  
3 Court.

4 Dated this 1<sup>st</sup> day of February, 2011.

5 LEWIS BRISBOIS BISGAARD & SMITH LLP


6  
7  
8 By 

9 Josh Cole Aicklen, Esq.  
10 Nevada Bar No. 007254  
11 David B. Avakian, Esq.  
12 Nevada Bar No. 009502  
13 6385 S. Rainbow Boulevard, Suite 600  
14 Las Vegas, Nevada 89118  
15 Attorneys for Defendant TRUMP  
16 INTERNATIONAL HOTEL & TOWER, d/b/a  
17 TRUMP INTERNATIONAL HOTEL, LAS VEGAS  
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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of Lewis Brisbois Bisgaard & Smith LLP and that on this 1 day of February, 2011, I did cause a true copy of **NOTICE OF REMOVAL OF ACTION** to be placed in the United States Mail, with first class postage prepaid thereon, and addressed as follows:

Homer Henke  
1000 North Moreland Rd.  
Moro, IL 62067  
Tel: 618/377-8385  
Fax: 618/377-8385  
Plaintiff, Pro Se

By   
An Employee of  
LEWIS BRISBOIS BISGAARD & SMITH LLP